

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

IN RE:	:	
	:	
PERFECTLY PRISCILLA, LLC,	:	Chapter 11 Case No. 23-70575-JTL
	:	
Debtor.	:	
_____	:	

**MOTION UNDER F.R.B.P. 3019(a) AND 11 U.S.C. § 1193(a) THAT THE FIRST
MODIFICATION BEFORE CONFIRMATION TO THE SUBCHAPTER V PLAN OF
REORGANIZATION OF THE DEBTOR BE DEEMED ACCEPTED AND THAT THE
PLAN, AS MODIFIED, BE CONFIRMED**

COMES NOW Perfectly Priscilla, LLC, Debtor and Debtor-in-Possession (“**Debtor**”) in the above-styled case and, pursuant to 11 U.S.C. § 1193(a) and Federal Rule of Bankruptcy Procedure (“Rule”) 3019(a), respectfully represents as follows:

1. Now pending before this Court is the *Subchapter V Plan of Reorganization of Debtor Perfectly Priscilla, LLC* (Doc. 71) (the “**Plan**”).
2. Debtor filed its *First Modification Before Confirmation to the Subchapter V Plan of Reorganization of the Debtor* (Doc. 91) (the “**First Modification**”).
3. The First Modification addresses and resolves the following:
 - a. the claim filed by the Internal Revenue Service (“**IRS**”) (Claim 10);
 - b. the *Objection to Confirmation* filed by the IRS (Dkt. No. 83); and
 - c. the *Objection to Confirmation* filed by the Subchapter V Trustee (Dkt. No. 84).
4. The First Modification does not negatively affect Debtor’s ability to make the payments required under the Plan or adversely change the treatment of other creditors who are not the subject of the First Modification.

5. Thus, solicitation of acceptances of the First Modification is not required. See 11 U.S.C. § 1127(d) and Rule 3019(a). See also Enron Corp. v. The New Power Co. (In re New Power Co.), 438 F.3d 1113, 1117-18 (11th Cir. 2006) (“[T]he bankruptcy court may deem a claim or interest holders’ vote for or against a plan as a corresponding vote in relation to a modified plan unless the modification materially and adversely changes the way that claim or interest holder is treated.”).

6. Pursuant to Rule 3019(a), notice of this Motion is required only upon the United States Trustee, the Subchapter V Trustee, a committee (through its counsel), if any, and any other party designated by this Court.

7. Debtor shows it is serving this Motion upon the United States Trustee, the Subchapter V Trustee, and the IRS.

8. Debtor respectfully requests that this Court consider this Motion at the hearing for confirmation of the Plan scheduled for October 25, 2023 at 10:30 a.m., as additional notice is not required under Rule 3019(a) or 11 U.S.C. § 1193(a).

WHEREFORE, Debtor prays that this Court (1) determine that the First Modification is deemed accepted by all creditors and interest holders who have previously accepted the Plan pursuant to F.R.B.P. 3019(a); (2) determine that no further disclosure or solicitation is required with respect to Debtor’s Plan, as modified; and (3) grant the Debtor such other and further relief as this Court deems just and equitable.

Respectfully submitted, this 24th day of October, 2023.

[Signatures on the Following Page]

STONE & BAXTER, LLP

By:

By: /s/ G. Daniel Taylor
G. Daniel Taylor
Georgia Bar No. 528521
R. Braden Copeland
Georgia Bar No. 821153

Counsel for Debtor

577 Third Street
Macon, Georgia 31201
(478) 750-9898; (478) 750-9899 (fax)
dtaylor@stoneandbaxter.com
bcopeland@stoneandbaxter.com

CERTIFICATE OF SERVICE

I hereby certify that, on this date, a true and correct copy of the foregoing was furnished electronically to all parties registered through this Court's CM/ECF system.

This 24th day of October, 2023.

/s/ G. Daniel Taylor
G. Daniel Taylor
Counsel for Debtor